

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
ALLEN AMBRISTER,

Index No.:

Plaintiff,

VERIFIED COMPLAINT

- against -

**THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, POLICE OFFICER
WILLIE ARTILES (Shield No. 774) OF THE MANHATTAN
NORTH NARCOTICS BUREAU and POLICE OFFICER
LEONID PEYSIN (Shield No. 7845) OF THE MANHATTAN
NORTH NARCOTICS BUREAU,**

Defendants.

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The Plaintiff, complaining of the defendants, by his attorney **JEFFREY ZEICHNER
ATTORNEY AT LAW**, as and for his Verified Complaint, upon information and belief and at all times hereinafter mentioned respectfully alleges:

1. The plaintiff **ALLEN AMBRISTER** at all times hereinafter mentioned was and still is a resident of the County, City and State of New York.

2. That at all the times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, was a municipal corporation duly organized and existing under and by virtue of the Laws of the State of New York.

3. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, operated **THE NEW YORK CITY POLICE DEPARTMENT**.

4. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, employed various personnel, including the defendants **POLICE OFFICER WILLIE ARTILES (Shield No. 774) OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN (Shield No. 7845) OF THE MANHATTAN NORTH NARCOTICS BUREAU**, as law enforcement agents, employees and personnel herein mentioned.

5. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, trained individuals and **POLICE OFFICER WILLIE ARTILES** (*Shield No. 774*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN** (*Shield No. 7845*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU**, to work as officers with **THE NEW YORK CITY POLICE DEPARTMENT**.

6. That at all times herein alleged, upon information and belief, the defendant, **THE CITY OF NEW YORK**, employed various personnel including law enforcement agents and officials, police officers, including the above mentioned police officers.

7. That at all times herein alleged, upon information and belief, the participating **POLICE OFFICER WILLIE ARTILES** (*Shield No. 774*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN** (*Shield No. 7845*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU**, were employed by the defendant, **THE CITY OF NEW YORK**.

8. That upon information and belief, said police officers were assigned to the Manhattan North Narcotics Bureau of **THE NEW YORK CITY POLICE DEPARTMENT**.

9. Plaintiff sues each and every defendant (except the City and Police Department) in both their individual and official capacity.

10. That at all times herein alleged, the defendant said police officers **POLICE OFFICER WILLIE ARTILES** (*Shield No. 774*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN** (*Shield No. 7845*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU**, acted within the scope of their duties as employees, agents, and officials of the defendant, **THE CITY OF NEW YORK**, and **THE NEW YORK CITY POLICE DEPARTMENT**.

11. That on or about January 20, 2014, inside of 273 West 114th Street, County, City and State of New York, the plaintiff was arrested, had excessive force used upon his person, was assaulted and battered by the defendants and subsequently assigned Arrest No. M14606181Z and prosecuted under New York Criminal Court Docket No.: 2014NY006671.

12. That on the aforesaid date, the plaintiff was maliciously, vindictively, and intentionally arrested, assaulted and battered by **POLICE OFFICER WILLIE ARTILES** (*Shield No. 774*) **OF THE**

MANHATTAN NORTH NARCOTICS BUREAU and POLICE OFFICER LEONID PEYSIN

(Shield No. 7845) OF THE MANHATTAN NORTH NARCOTICS BUREAU.

13. That said police officer(s) were acting in the course and general scope of their employment duties and official duties pursuant to the authority given them by the defendant, **THE CITY OF NEW YORK**.

14. That by reason of and in consequence of said arrest and battery, the plaintiff, **ALLEN AMBRISTER**, sustained a severe injury and mental and nervous shock to his system.

15. That by reason of and in consequence of said excessive use of force, assault and battery, the plaintiff, **ALLEN AMBRISTER**, has become depressed.

16. That by reason of and in consequence of said excessive use of force, assault and battery, the plaintiff may expend various sums, and upon information and belief will continue to expend and incur further sums for medical care and attention.

17. That on February 27, 2014, a Notice of Claim was served on the defendant, **THE CITY OF NEW YORK**.

18. That on February 27, 2014 plaintiff herein duly presented in writing to the defendant, **THE CITY OF NEW YORK**, the claim for damages herein set forth and upon which this action is founded and that said claim was presented for adjustment.

19. That more than 30 days have elapsed since the said Notice of Claim was served upon the defendant and the defendant, **THE CITY OF NEW YORK**, has failed and refused to make an adjustment of any claim herein set forth.

20. That more than thirty (30) days have elapsed since the service and filing of a Notice of Claim with the Comptroller of the City of New York has stipulated that the plaintiff may commence his action prior to the holding of a hearing pursuant to Section 50-h of the General Municipal Law.

21. That all conditions precedent to the bringing of this action have been complied with or stipulated to.

22. That this action was commenced within one year and ninety (90) days after the accrual of the cause of action herein.

23. That by reason of the foregoing, the plaintiff has been damaged in a sum which exceeds the jurisdiction of any court which would otherwise have jurisdiction over this matter.

AS AND FOR A FIRST CAUSE OF ACTION FOR
EXCESSIVE FORCE, ASSAULT AND BATTERY AGAINST ALL DEFENDANTS

24. Plaintiff **ALLEN AMBRISTER** repeats and realleges each and every allegation contained in paragraphs 1 through 23 with full force and effect as if each were more fully set forth herein.

25. On January 20, 2014, inside 273 West 114th Street, County, City and State of New York, the defendants **POLICE OFFICER WILLIE ARTILES (Shield No. 774) OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN (Shield No. 7845) OF THE MANHATTAN NORTH NARCOTICS BUREAU**, did use excessive force and/or did assault and batter and did injure the plaintiff.

26. On January 20, 2014, inside 273 West 114th Street, County, City and State of New York the defendants, **POLICE OFFICER WILLIE ARTILES (Shield No. 774) OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN (Shield No. 7845) OF THE MANHATTAN NORTH NARCOTICS BUREAU**, did use excessive force and/or did assault and batter the plaintiff.

27. On January 20, 2014, inside 273 West 114th Street, County, City and State of New York the defendants, **POLICE OFFICER WILLIE ARTILES (Shield No. 774) OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN (Shield No. 7845) OF THE MANHATTAN NORTH NARCOTICS BUREAU**, did negligently and recklessly injure the plaintiff.

28. At the time of the use of excessive force, assault and battery, negligent use of force, reckless use of force, mentioned herein, defendant police officers were acting as agents, servants and/or employees of defendants **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, within the scope of their authority.

29. By reason of the foregoing, plaintiff **ALLEN AMBRISTER** sustained damages in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION FOR
FAILURE TO INTERVENE TO PEREVENT THE VIOLATION OF PLAINTIFF'S
CIVIL RIGHT AGAINST ALL DEFENDANTS

30. Plaintiff **ALLEN AMBRISTER** repeats and realleges each and every allegation contained in paragraphs 1 through 29 with full force and effect as if each were more fully set forth herein.

31. As a result of the above actions, defendants **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER WILLIE ARTILES** (*Shield No. 774*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN** (*Shield No. 7845*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU**, individually, and/or vicariously, by and through its agents, servants and/or employees and **OFFICERS** failed to intervene to prevent or end the unlawful conduct inflicted upon plaintiff **ALLEN AMBRISTER** by defendants **OFFICERS**.

32. As a result of the foregoing, defendants **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER WILLIE ARTILES** (*Shield No. 774*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN** (*Shield No. 7845*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU**, individually and/or vicariously by and through their agents, servants and/or employees and/or **OFFICERS** displayed a deliberate indifference to plaintiff, **ALLEN AMBRISTER**'s rights to be free from excessive use of force and assault and battery.

33. As a result of the foregoing, defendants **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICER WILLIE ARTILES** (*Shield No. 774*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU** and **POLICE OFFICER LEONID PEYSIN** (*Shield No. 7845*) **OF THE MANHATTAN NORTH NARCOTICS BUREAU**, individually and/or vicariously by and through their agents, servants and/or employees and/or **OFFICERS** acted intentionally, willfully, maliciously, with reckless disregard for and deliberate indifference to plaintiffs rights and physical well being.

34. By reason of the foregoing, plaintiff **ALLEN AMBRISTER**, sustained damages in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION FOR
NEGLIGENT HIRING, TRAINING, RETENTION, AND SUPERVISION AGAINST
THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT**

35. Plaintiff **ALLEN AMBRISTER** repeats and realleges each and every allegation contained in paragraphs 1 through 34 with full force and effect as if each were more fully set forth herein.

36. That at the time of the aforementioned excessive use of force, assault, battery and violations of plaintiff **ALLEN AMBRISTER**'s civil rights, all of the above captioned defendants were acting in the course and general scope of their employment duties and official duties pursuant to the authority given them by the defendants **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**

37. Defendants **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, at all relevant times herein should have known or had reason or opportunity to know, that the agents, servants and/or employees named as defendants in this complaint were unfit for the employment for which they were hired, unfit for the official duties delegated to them and unfit for the law enforcement, investigatory and prosecutorial responsibilities to which they were assigned.

38. That by hiring, retaining, employing, failing to supervise, failing to screen, failing to test, failing to evaluate, failing to monitor, failing to manage, failing to train and failing to investigate the aforementioned agents, servants and/or employees, defendants **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, negligently created and cause a situation where it was likely that said agents servants and/or employees would, as a result of their work history, unfit character, malicious temperament, criminal propensity, inadequate training, inadequate management and inadequate supervision, unlawfully arrest, unlawfully imprison, unlawfully deprive an innocent person such as the plaintiff, **ALLEN AMBRISTER**, of his constitutional rights under the New York State Constitution,

intentionally, deprived such person of his health against his will, and imprisoned such person without sufficient reasons or probable cause appearing therefore.

39. Defendants **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, knew or should have known in the exercises of due an reasonable care that the aforementioned agents, servants and/or employees were malicious, vicious, potentially dangerous, negligent and performing violent acts during the course of their employment duties.

40. Defendants **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, were negligent in the hiring, employment, training, retention, management, supervision, screening, testing, evaluating, monitoring and investigating of the aforementioned agents, servants and/or employees.

41. That by reason of and in consequence of said negligence and lack of reasonable care on the part of defendants **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, and their agents, servants and/or employees plaintiff **ALLEN AMBRISTER** suffered above stated injuries.

42. By reason of the foregoing, plaintiff **ALLEN AMBRISTER** sustained damaged in an amount that exceed the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION FOR
INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS

43. Plaintiff **ALLEN AMBRISTER** repeats and realleges each and every allegation contained in paragraphs 1 through 42 with full force and effect as if each were more fully set forth herein.

44. The Defendants, and each of them, acted outrageously for their above stated roles in the failure to adhere to law, failure to protect the plaintiff's physical safety, failure to follow rules and regulations known to them, failing to heed plaintiff, **ALLEN AMBRISTER**, protestations, manhandling, assault and battery, prolonged captivity, intimidation and public humiliation of the plaintiff.

45. Said emotional harm was exacerbated by the persistence of defendants' application of force against the plaintiff **ALLEN AMBRISTER**.

46. The defendants' knew that their conduct would cause severe and extreme physical and emotional harm to the plaintiff **ALLEN AMBRISTER**.

47. Said harm did in fact occur in this case, in that the plaintiff **ALLEN AMBRISTER** was debilitated to the point where he still suffers from episodes of pain, disability of the hand, anxiety, anger, loss of sleep, fear of police, and other impingement of the emotional good health.

48. By reason of the foregoing, plaintiff **ALLEN AMBRISTER** sustained damages in an amount that exceeds the jurisdictional limits of all lower courts that otherwise would have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION FOR
PUNITIVE DAMAGES AGAINST ALL DEFENDANTS

49. Plaintiff **ALLEN AMBRISTER** repeats and realleges each and every allegation contained in paragraphs 1 through 48 with full force and effect as if each were more fully set forth herein.

50. Defendants' act were reckless, willful, wanton malicious, oppressive, outrageous, outside the bounds of conduct tolerated in a civil society, without regard for the plaintiff **ALLEN AMBRISTER**'s well being and was cause based on lack of concern and ill-will towards the plaintiff.

51. Plaintiff **ALLEN AMBRISTER**, therefore demands punitive damages in the amount of **FIVE MILLION DOLLARS (\$5,000,000.00)**.

WHEREFORE, plaintiff **ALLEN AMBRISTER**, demands judgment against the defendants; as follows:

a. On the First Cause of Action against all of the above-captioned defendants; in a sum of money having the present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter, jointly and severally;

b. On the Second Cause of Action against all of the above-captioned defendants' in a sum of money having the present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter, jointly and severally;

c. On the Third Cause of Action against all of the above-captioned defendants' **THE CITY OF NEW YORK** and **THE NEW YORK CITY POLICE DEPARTMENT**, in a sum of money having the present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter, jointly and severally;

d. On the Fourth Cause of Action against all of the above-captioned defendants' in a sum of money having the present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter, jointly and severally;

e. On the Fifth Cause of Action against all of the above-captioned defendants' in a sum of **TEN MILLION DOLLARS (\$10,000,000.00)**, jointly and severally;

f. Together with costs and disbursements of this action, and
j. Such other relief as this Court may deem just and proper.

Dated: Bronx, New York
July 10, 2014

YOURS, ETC.,

JEFFREY ZEICHNER
ATTORNEY AT LAW
Attorneys for Plaintiff
ALLEN AMBRISTER
Office, Post Office Address & Tel. No.
895 Sheridan Avenue
Bronx, New York 10451
Tel. (718) 538-6100

VERIFICATION

BY

ATTORNEY'S

AFFIRMATION

STATE OF NEW YORK)

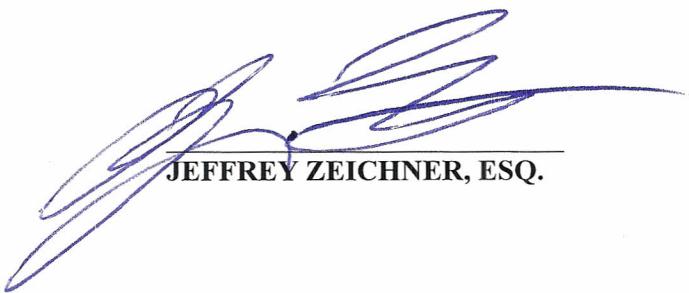
: S.:

COUNTY OF BRONX)

JEFFREY ZEICHNER, affirms, per CPLR, under the penalties of perjury, that the attorney of record for the plaintiff and that he has read the foregoing **SUMMONS AND VERIFIED COMPLAINT** and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Affiant states that the reason he makes this affirmation is that the plaintiff resides in a county other than the one in which affiant and plaintiffs' attorneys maintain their offices; and affiant further states that the sources of his information and belief are from conversations had with the plaintiff and/or from the memoranda, documents, reports and other related records in the file of this action, which file is in your affiant's possession.

Dated: Bronx, New York
July 10, 2014



JEFFREY ZEICHNER, ESQ.

Index No.:

Year 2014

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALLEN AMBRISTER,

Plaintiff,

- against -

**THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, POLICE OFFICER
WILLIE ARTILES (Shield No. 774) OF THE MANHATTAN
NORTH NARCOTICS BUREAU and POLICE OFFICER
LEONID PEYSIN (Shield No. 7845) OF THE MANHATTAN
NORTH NARCOTICS BUREAU,**

Defendants.

VERIFIED BILL OF PARTICULARS

JEFFREY ZEICHNER ATTORNEY AT LAW
Attorney for PLAINTIFF
895 Sheridan Avenue
Bronx, New York 10451
(718) 538-6100

Pursuant to 22NYCRR 130-1.1-a, the undersigned attorney admitted to practice in the court of New York state, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that it if was, the attorney or other persons responsible of the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 120.41-a.

Dated:

Signature

Print Signature.....

Service of a copy of the within

is hereby admitted.

Dated:

.....
Attorney(s) for

PLEASE TAKE NOTICE

that the within is a (certified) true copy of a
NOTICE OF entered in the office of the clerk of the within-named Court on 20
ENTRY

that an Order of which the within is a true copy will be presented for settlement to the
NOTICE OF Hon. , one of the judges of the within-named Court,
SETTLEMENT at
on 20 , at M.

Dated:

JEFFREY ZEICHNER ATTORNEY AT LAW
Attorney for PLAINTIFF
895 Sheridan Avenue
Bronx, New York 10451
Tel. (718) 538-6100

To:
Attorney(s) for